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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,066	05/02/2006	Mederic Le Parc	FR 030139	4780

7590 11/26/2008  
Philips Electronics North America Corporation  
Corporate Patent Counsel  
P. O. Box 3001  
Briarcliff Manor, NY 10510

EXAMINER
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WILLIAMS, JOSEPH L

ART UNIT	PAPER NUMBER
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2889

MAIL DATE	DELIVERY MODE
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11/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,066	<b>Applicant(s)</b> LE PARC ET AL.	
	<b>Examiner</b> Joseph L. Williams	<b>Art Unit</b> 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: The Application number and the date of filing are incorrect. It appears that the application number has been inserted under the date of filing and the date of filing has been inserted under the application number.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US 5,798,608) in view of Bohmer et al. (US 6,819,049).

Regarding claim 1, Shaw ('608) teaches in figure 7 and the corresponding text, a tubular lamp (700) comprising a lamp vessel (310) which accommodates a light source (see filaments (630) in figure 6), wherein a first part of the lamp vessel is provided with a coating (730) reflective of radiation emitted by said light source, a second part of the lamp vessel being further provided with a light-absorbing coating (read phosphor, 320).

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Shaw ('608) does not disclose the light absorbing coating comprising pigments incorporated in a sol gel matrix.

Further regarding claim 1, Bohmer ('049) teaches in the abstract a lamp comprised of, in part, light absorbing coating comprising pigments incorporated in a sol gel matrix (3) for the purpose of providing a lamp which is substantially free of scattering and stable at temperatures up to 350 degrees Celsius.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sol gel matrix of Bohmer on the lamp of Shaw for the purpose of providing a lamp which is substantially free of scattering and stable at temperatures up to 350 degrees Celsius.

Regarding claim 2, Shaw ('608) teaches the first part is distinct from the second part.

Regarding claim 3, Shaw ('608) teaches the first part represents substantially half of the lamp vessel and the second part represents substantially-half of the lamp vessel.

Regarding claim 4, Shaw ('608) teaches in figure 6 at least one end cap (620), said end cap comprising orientation means for cooperating with a lamp housing intended to receive said lamp.

Regarding claim 5, Shaw ('608) teaches a orientation means comprise at least one orientation pin (part of filament).

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Regarding claim 6, Shaw ('608) teaches, similar to claim 1 above, a tubular lamp vessel having a first part provided with a reflective coating and a second part provided with a light-absorbing coating.

Shaw ('608) does not disclose the light absorbing coating comprising pigments incorporated in a sol gel matrix.

Further regarding claim 6, Bohmer ('049) teaches in the abstract a lamp comprised of, in part, light absorbing coating comprising pigments incorporated in a sol gel matrix (3) for the purpose of providing a lamp which is substantially free of scattering and stable at temperatures up to 350 degrees Celsius.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sol gel matrix of Bohmer on the lamp of Shaw for the purpose of providing a lamp which is substantially free of scattering and stable at temperatures up to 350 degrees Celsius.

Regarding claim 7, Shaw ('608) teaches luminaire comprising a tubular lamp as claimed in claim 1.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,342,762 and US 2006/0091811 disclose the state of the art for lamps with a sol gel matrix.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571) 272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Williams/  
Primary Examiner, Art Unit 2889